

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of	)	
	)	
Implementing a Nationwide,	)	PS Docket No. 06-229
Broadband, Interoperable Public Safety	)	
Network in the 700 MHz Band	)	
	)	
Development of Operational, Technical	)	
and Spectrum Requirements for	)	WT Docket No. 96-86
Meeting Federal, State and Local Public	)	
Safety Communications Requirements	)	
Through the Year 2010	)	
	)	

**REPLY COMMENTS OF THE CITY OF PHILADELPHIA  
ON  
THE NINTH NOTICE OF PROPOSED RULE MAKING AND  
THE PROPOSAL OF THE FEDERAL COMMUNICATIONS COMMISSION  
FOR THE IMPLEMENTATION OF A NATIONWIDE, BROADBAND,  
INTEROPERABLE PUBLIC SAFETY NETWORK IN THE 700 MHZ BAND**

The City of Philadelphia (“City”) respectfully submits these Reply Comments on the Ninth Notice of Proposed Rulemaking (“Ninth NPRM”) and the Commission’s Proposal for the Implementation of a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band (“Broadband Proposal”). In addition to the new material raised in the Reply Comments below, the City reiterates its concerns fully set forth in its Comments filed February 26, 2007, particularly, that a business plan must be fully developed to assure the system will be cost-effective and invite widespread adoption. The City respectfully requests that the Commission delay

any implementation decision until it has fully addressed the many concerns raised in the City's Comments, these Reply Comments and the Comments of the National Association of Telecommunications Officers and Advisors ("NATOA"), public safety organizations, and others filed in response to the Ninth NPRM.

#### Insufficiency of 12 MHz of Spectrum

In the Ninth NPRM, the Commission has proposed to allocate 12 MHz of public safety's existing 700 MHz spectrum to broadband use and to authorize this spectrum in a single block to a single, national public safety licensee for deployment of such a network. The licensee would be permitted to use the assigned spectrum to provide public safety entities with voluntary access to a public safety broadband service on a fee-for-service basis. The Commission proposes that the national licensee be allowed to lease "excess spectrum" capacity to non-public safety entities on an unconditionally preemptible basis.

The City asks that the Commission attend the Comments of NATOA, Association of Public-Safety Communications Officials-International, Inc. ("APCO"), Cyren Call Communications Corporation, Region 39-Tennessee, and the State of California, among others, with respect to the prospect that 12 MHz of spectrum allocated for public safety broadband use may prove insufficient.

Although the City of Philadelphia in its earlier Comments expressed skepticism about whether the proposed system would be cost effective and attract widespread use by the public safety community, if the system were nevertheless to develop as intended and truly become a widely adopted system regularly employed

by public safety agencies, the allocation of only 12 MHz of spectrum is likely to prove insufficient for certain applications and thwart its full development. Specifically, the City echoes the position of those entities calling for more than 12 MHz to be reserved for a nationwide system to meet public safety agencies' future requirements. While broadband usage is not prevalent by public safety today, there is a potential for new products and applications that have not yet been contemplated by public safety agencies. These applications may require bandwidth to a degree that has not recognized by the Ninth NPRM. Given the current public safety needs and the future potential for broadband usage, 12 MHz of the 700 MHz band is not enough to satisfy the needs of the public safety community and first responders.

Without a larger spectrum allocation, there will be little or no "excess capacity" to lease to non-public safety users for any meaningful commercial use. Such a lack of available spectrum is fatal to the proposed public-private partnership approach proposed in the Ninth NPRM. Without sufficient spectrum to provide an economic incentive for private investment, there is no basis for the public-private partnership. It should also be noted that insufficient allocation of spectrum is likely to increase the risk that planned commercial uses of the spectrum will lead to interference problems which have plagued the 800 MHz band. The Commission should take pains to insure that we will learn from past mistakes, and provide sufficient spectrum so that public safety agencies will have an adequate comfort

level that their investments in new communications systems will not face interference from commercial uses.

Several organizations have suggested that no less than 30 MHz would be sufficient to support a nationwide broadband network of the magnitude proposed in the Ninth NPRM.<sup>1</sup> Twelve MHz is not likely to provide enough capacity to accommodate all the public safety usage, much less provide excess capacity to attract commercial partners, the key source of financing relied upon for deployment of a nationwide broadband network under the Ninth NPRM proposal.

#### Wideband Systems Needed As Well

The City of Philadelphia also finds merit in the APCO comments with respect to the need for sufficient allocations for wideband systems, which are likely to be less expensive and more easily deployed than broadband systems. Planning for use of the 700 MHz spectrum should allow for regional planning areas to develop rules that are appropriate to the needs of each region with respect to the amount of spectrum space for wideband or a combination of wideband and broadband use. It would indeed be unfortunate if a national model were to be imposed that due to inadequate spectrum, a high-cost structure, or uncertain funding left many of the country's public safety agencies unserved by any form of high speed data network, neither broadband nor wideband.

#### Single National Public Safety Licensee

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<sup>1</sup> See Spectrum Coalition for Public Safety, White Paper, October 25, 2005, [http://www.spectrumcoalition.dc.gov/img/PS\\_Whitepaper\\_10-25-05.pdf](http://www.spectrumcoalition.dc.gov/img/PS_Whitepaper_10-25-05.pdf); see also Testimony of Morgan O'Brien, Chairman, Cyren Call Communications, Senate Committee on Commerce, Science and Transportation, February 8, 2007.

The City echoes the concerns of NATOA that the Ninth NPRM fails to consider the many problems inherent in a proposal that gives control over a centralized, national public safety broadband system to a single licensee.<sup>2</sup> For several reasons, the City does not believe that a single licensee is the answer to achieving universal interoperability. First, the Ninth NPRM fails to consider the difficulty in finding a single suitable licensee. Next, charging a third party with control of public safety spectrum is not likely to be acceptable to public safety advocates. And, finally, the Commission's plan for a single, national licensee excludes local and regional communities from the decision-making process to the detriment of all involved.

For the foregoing reasons, and those set forth in the City's Comments filed on February 26, 2007, the City opposes any decision by the Commission to proceed towards implementation of the proposed broadband network at this time. The City respectfully urges the Commission to

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<sup>2</sup> See Comments of the National Association of Telecommunications Officers and Advisors, filed February 26, 2007.

address the concerns articulated in its Comments and these Reply Comments, and the many additional Comments filed by concerned public safety agencies and interested parties in response to the Ninth NPRM.

Dated: March 12, 2007

Respectfully submitted,

THE CITY OF PHILADELPHIA

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